S.B.Civil Writ Petition NO.571/2005

M/s. Kanni Ram & Sons

vs

The State of Rajasthan & Ors.

DATE OF ORDER : - 3.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Vimal Mathur, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner by moving application under Order 39 Rule 1 and 2 CPC in his suit submitted that the respondents are deducting Rs.1,60,000/- whereas, in fact, the respondents have no right to deduct the said amount.

According to learned counsel for the petitioner, the documents produced by the respondents on the face of it appears to be forged one document. According to learned counsel for the petitioner in view of the documentary evidence, which was produced by the defendants themselves, the petitioner has made out a good prima facie case for grant of temporary injunction, but both the courts below have

committed serious illegality in dismissing the petitioner's application for grant of temporary injunction against the deduction of Rs.1,60,000/- by the respondents and dismissing the appeal.

I considered the submissions of learned counsel for the petitioner. It appears from the facts mentioned in the orders of the two courts below that both the courts below have considered the documents and, thereafter, held that the document produced by the respondents cannot be treated as forged one or issued with intention to harm the petitioner only. This finding of fact cannot be re-examined here by this court while exercising supervisory jurisdiction under Article 227 of the Constitution of India. Otherwise also, by not granting injunction to the petitioner, the petitioner is not going to suffer any irreparable injury. Therefore, also I do not find any merit in the writ petition.

Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-